

material in bulk as cargo or cargo residue shall have a specified number of personnel certified as tankerman or equivalent, as required by the Secretary, when the vessel transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. The requirement of this subsection shall be noted in applicable terminal operating procedures. A transfer operation may take place only if the crewmember in charge is capable of clearly understanding instructions in English.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101–380, title IV, § 4106(a), Aug. 18, 1990, 104 Stat. 513.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9101(a) .....	46:391a(11)
9101(b) .....	46:391a(10)(B)

Section 9101 requires monitoring of manning standards for foreign tank vessels operating on the navigable waters of the United States and transferring oil or hazardous material in the United States.

Subsection (a) requires the Secretary of Transportation to evaluate the manning, training, qualification, and watchkeeping standards of foreign countries whose tank vessels operate on United States waters, or use transfer facilities, and to decide if the standards are equivalent or more stringent than United States standards.

Subsection (b) authorizes the Secretary to specify the number of tankermen required on a foreign tank vessel and to have certified tankermen who can understand English when transferring oil or hazardous material in the United States. This requirement is to be made part of the terminal operating procedures.

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101–380 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary shall—

“(1) periodically evaluate the manning, training, qualification, and watchkeeping standards prescribed by the certifying country of a foreign vessel to which chapter 37 of this title applies, that operates on the navigable waters of the United States and transfers oil or hazardous material in a port or place under the jurisdiction of the United States; and

“(2) after each evaluation made under clause (1) of this subsection, decide whether the foreign country, whose system for licensing and certification of seamen was evaluated, has standards that are equivalent to or more stringent than United States standards or international standards accepted by the United States.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

### § 9102. Standards for tank vessels of the United States

(a) The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

(1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;

(2) instruction in vessel and cargo handling and vessel navigation in emergency situations and under marine casualty or potential casualty conditions;

(3) qualifications for licenses by specific type and size of vessels;

(4) qualifications for licenses by use of simulators for the practice or demonstration of marine-oriented skills;

(5) minimum health and physical fitness criteria for various grades of licenses and certificates;

(6) periodic retraining and special training for upgrading positions, changing vessel type or size, or assuming new responsibilities;

(7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing; and

(8) instruction in vessel maintenance functions.

(b) The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 556; Pub. L. 101–380, title IV, § 4114(d), Aug. 18, 1990, 104 Stat. 517.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9102 .....	46:391a(9)

Section 9102 prescribes manning standards for United States tank vessels.

Subsection (a) requires the Secretary of Transportation to prescribe certain standards for the duties, qualifications, and training of the officers and crew of United States tank vessels.

Subsection (b) provides for a waiver of any health and physical fitness criteria prescribed under subsection (a).

#### AMENDMENTS

1990—Par. (8). Pub. L. 101–380 added par. (8).

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

### CHAPTER 93—GREAT LAKES PILOTAGE

Sec.

9301.

Definitions.

9302.

Great Lakes pilots required.

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9304.

Pilotage pools.

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#### HISTORICAL AND REVISION NOTES

Chapter 93 contains the pilotage requirements for United States vessels sailing under register and foreign

flag vessels operating on the Great Lakes, qualifications for a registered pilot for the Great Lakes, authority for agreements with Canada, prohibition of State regulation, establishment of an advisory committee, and imposition of civil penalties.

### § 9301. Definitions

In this chapter—

(1) “Canadian registered pilot” means an individual (except a regular crewmember of a vessel) who is registered by Canada on the same basis as an individual registered under section 9303 of this title.

(2) “Great Lakes” means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(3) “United States registered pilot” means an individual (except a regular crewmember of a vessel) who is registered under section 9303 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9301(1) .....	46:216(d)
9301(2) .....	46:216(a)
9301(3) .....	46:216(c)

Section 9301 contains definitions which pertain to this chapter only.

Clause (1) defines “Canadian registered pilot” as an individual registered as a pilot in Canada on the same basis as the United States.

Clause (2) defines “Great Lakes” as the five lakes plus their connecting and tributary waters, a certain part of the Saint Lawrence River, and adjacent ports.

Clause (3) defines “United States registered pilot” as an individual registered under regulations for competency under section 9303.

### § 9302. Great Lakes pilots required

(a)(1) Except as provided in subsections (d), (e), and (f) of this section, each vessel of the United States operating on register and each foreign vessel shall engage a United States or Canadian registered pilot for the route being navigated who shall—

(A) in waters of the Great Lakes designated by the President, direct the navigation of the vessel subject to the customary authority of the master; and

(B) in waters of the Great Lakes not designated by the President, be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.

(2) The President shall make water designations under this subsection with regard to the public interest, the effective use of navigable waters, marine safety, and the foreign relations of the United States.

(b) A member of the complement of a vessel of the United States operating on register or of a vessel of Canada may serve as the pilot required on waters not designated by the President if the member is licensed under section 7101 of this title, or under equivalent provisions of Canadian law, to direct the navigation of the vessel on the waters being navigated.

(c) The authority extended under subsections (a) and (b) of this section to a Canadian reg-

istered pilot or other Canadian licensed officer to serve on certain vessels in United States waters of the Great Lakes shall continue as long as Canada extends reciprocity to United States registered pilots and other individuals licensed by the United States for pilotage service in Canadian waters of the Great Lakes.

(d) A vessel may be operated on the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(1) the Secretary notifies the master that a registered pilot is not available; or

(2) the vessel or its cargo is in distress or jeopardy.

(e) A Canadian vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the Saint Lawrence River, with only an occasional voyage to ports in the maritime provinces of Canada in the Canadian coastal trade, is exempt from subsection (a) of this section as long as Canada permits enrolled vessels of the United States to be operated on Canadian waters of the Great Lakes under the direction of individuals licensed under section 7101 of this title.

(f) A documented vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River is exempt from the requirements of subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 557; Pub. L. 101-380, title IV, §4108(a), Aug. 18, 1990, 104 Stat. 514; Pub. L. 104-324, title XI, §1115(b)(5)–(7), Oct. 19, 1996, 110 Stat. 3972.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9302(a), (b), (d) .....	46:216a
9302(c) .....	46:216f

Section 9302 sets forth the requirements for pilots on the waters of the Great Lakes under the jurisdiction of the United States or Canada.

Subsection (a) requires each United States vessel sailing on register and each foreign vessel to engage a United States or Canadian registered pilot who shall direct the navigation of the vessel in designated waters of the Great Lakes or be available to direct the navigation of the vessel in undesignated waters of the Great Lakes. The President must make the designation with regard to public interest, effective use of navigable waters, marine safety, and United States foreign relations. The direction of the vessel by an authorized pilot is subject to the customary authority of the master.

Subsection (b) provides that a crewmember licensed for Great Lakes navigation under section 7101 or equivalent Canadian law may serve as the pilot on undesignated waters.

Subsection (c) provides for reciprocity of recognizing United States and Canadian pilots.

Subsections (d) and (e) are exceptions to subsection (a). Subsection (d) permits operation of a vessel on the Great Lakes without a registered pilot if notice is given that one is not available or if the vessel or cargo is in distress or jeopardy. Subsection (e) exempts a Canadian vessel in the coastwise or Great Lakes trade from the requirement of having a registered pilot if similar United States vessels are extended the same exemption by Canada.

#### AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-324, §1115(b)(5), substituted “subsections (d), (e), and (f)” for “subsections (d) and (e)”.

Subsec. (e). Pub. L. 104-324, §1115(b)(6), substituted “subsection (a)” for “subsections (a) and (b)”.

Subsec. (f). Pub. L. 104-324, §1115(b)(7), added subsec. (f).

1990—Subsec. (b). Pub. L. 101-380 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “An individual of a vessel licensed for navigation on the Great Lakes under section 7101 of this title, or equivalent provisions of Canadian law, and qualified for the route being navigated, may serve as the pilot required on waters not designated by the President.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

#### PROC. NO. 3385. DESIGNATION OF RESTRICTED WATERS

Proc. No. 3385, Dec. 22, 1960, 25 F.R. 13681, as amended by Proc. No. 3855, June 10, 1968, 33 F.R. 8535, provided:

WHEREAS, pursuant to section 3(a) of the Great Lakes Pilotage Act of 1960 (Public Law 86-555; 74 Stat. 259) [46 U.S.C. 9302(a)], the President is directed to designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned; and

WHEREAS the aforesaid section 3(a) [46 U.S.C. 9302(a)] provides that these designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 3(a) of the Great Lakes Pilotage Act of 1960 [46 U.S.C. 9302(a)], do hereby designate and proclaim the following areas in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, on and after the effective date of regulations issued by the Secretary of Transportation pursuant to the Act:

(1) *District 1.* All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° true) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) *District 2.* All United States waters of Lake Erie westward of a line running (at approximately 026° true) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light; the Detroit River; Lake St. Clair; the St. Clair River, and northern approaches thereto south of latitude 43°05'30" N.

(3) *District 3.* All United States waters of the St. Marys River, Sault Sainte Marie Locks and approaches thereto between latitude 45°59' N. at the southern approach and longitude 84°33' W. at the northern approach.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of December in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER.

### § 9303. United States registered pilot service

(a) The Secretary shall prescribe by regulation standards of competency to be met by each ap-

plicant for registration under this chapter. An applicant must—

(1) have a license as master, mate, or pilot issued under section 7101 of this title;

(2) have acquired at least 24 months licensed service or equivalent experience on vessels or integrated towing vessels and tows of at least 4,000 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, operating on the Great Lakes or oceans, with a minimum of 6 months of that service or experience having been on the Great Lakes; and

(3) agree that, if appointed as a United States registered pilot, the applicant will be available for service when required.

(b) The Secretary shall issue to each registered pilot under this chapter a certificate of registration describing the areas within which the pilot may serve. The pilot shall carry the certificate when in the service of a vessel.

(c) The Secretary shall prescribe by regulation the duration of validity of registration.

(d) The Secretary may prescribe by regulation the conditions for service by United States registered pilots, including availability for service.

(e) Subject to sections 551-559 of title 5, the Secretary may suspend or revoke a certificate of registration issued under this section if the holder fails to comply with a regulation prescribed under this chapter. Suspension or revocation of the holder's license under chapter 77 of this title includes the holder's certificate of registration.

(f) The Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services. The Secretary shall establish new pilotage rates by March 1 of each year. The Secretary shall establish base pilotage rates by a full ratemaking at least once every 5 years and shall conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year.

(g) The Secretary shall ensure that a sufficient number of individuals are assigned to carrying out subsection (f).

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 558; Pub. L. 104-324, title VII, §735, Oct. 19, 1996, 110 Stat. 3941; Pub. L. 109-241, title III, §302, July 11, 2006, 120 Stat. 527.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9303(a) .....	46:216b(a)
9303(b) .....	46:216b(b)
9303(c) .....	46:216b(c)
9303(e) .....	46:216b(c)
9303(f) .....	46:216c

Section 9303 authorizes the Secretary to prescribe regulatory standards of competency for registered pilots.

Subsection (a) requires an applicant for registration as a pilot to have a master's, mate's, or pilot's license, 24 months of licensed service, or equivalent, on vessels on the oceans or Great Lakes, with a minimum of 6 months on the Great Lakes, and agree to be available for service as a United States registered pilot if appointed.

Subsection (b) requires the Secretary to issue a certificate of registration describing the areas of service of a registered pilot who must carry the certificate when in a vessel's service.

Subsection (c) authorizes the Secretary to prescribe the duration of the validity of registration, while subsection (d) authorizes the Secretary to prescribe conditions for service by United States registered pilots.

Subsection (e) provides for the suspension or revocation of a certificate or registration by the Secretary.

Subsection (f) provides for setting the rates and charges for pilotage services.

#### AMENDMENTS

2006—Subsec. (f). Pub. L. 109-241, §302(1), inserted at end “The Secretary shall establish new pilotage rates by March 1 of each year. The Secretary shall establish base pilotage rates by a full ratemaking at least once every 5 years and shall conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year.”

Subsec. (g). Pub. L. 109-241, §302(2), added subsec. (g). 1996—Subsec. (a)(2). Pub. L. 104-324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “4,000 gross tons”.

### § 9304. Pilotage pools

(a) The Secretary may authorize the formation of a pool by a voluntary association of United States registered pilots to provide for efficient dispatching of vessels and rendering of pilotage services.

(b) For pilotage pools, the Secretary may—

- (1) limit the number of the pools;
- (2) prescribe regulations for their operation and administration;
- (3) prescribe a uniform system of accounts;
- (4) perform audits and inspections; and
- (5) require coordination on a reciprocal basis with similar pool arrangements authorized by the appropriate agency of Canada.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9304 .....	46:216b(e)

Section 9304 provides for the formation of a pool by a voluntary association of United States registered pilots to provide for efficient pilotage services.

Subsection (a) permits the Secretary to authorize formation of United States pilotage pools.

Subsection (b) sets forth the restrictions and conditions that the Secretary may prescribe for these pools.

### § 9305. Agreements with Canada

To provide for a coordinated system of pilotage service on the Great Lakes, the Secretary, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to—

- (1) fix the number of pilots to be registered in each country;
- (2) provide for participation on an equitable basis;
- (3) prescribe joint or identical rates and charges;
- (4) coordinate pool operations; and
- (5) establish conditions for services by registered pilots.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9305 .....	46:216b(d) 46:216d

Section 9305 authorizes the Secretary of Transportation, subject to the concurrence of the Secretary of State, to make agreements with Canada for a coordinated system of pilotage service on the Great Lakes. The agreements may fix the number of registered pilots, provide for equitable participation, prescribe rates and charges, coordinate pool operations, and establish conditions for service.

### § 9306. State regulation prohibited

A State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9306 .....	46:216g

Section 9306 prohibits State or local regulations of pilotage on the Great Lakes and is part of the exception provided by law envisioned under section 8501(a).

### § 9307. Great Lakes Pilotage Advisory Committee

(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

- (1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;
- (2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;
- (3) may make available to the Congress recommendations that the Committee makes to the Secretary; and
- (4) shall meet at the call of—

(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

(B) a majority of the Committee.

(b)(1) The Committee shall consist of seven members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

(2) The membership of the Committee shall include—

- (A) the President of each of the 3 Great Lakes pilotage districts, or the President's representative;
- (B) one member representing the interests of vessel operators that contract for Great Lakes pilotage services;
- (C) one member representing the interests of Great Lakes ports;
- (D) one member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

(E) a member with a background in finance or accounting, who—

(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee.

(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

(B) travel or transportation expenses under section 5703 of title 5, United States Code.

(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 559; Pub. L. 105–383, title III, § 303, Nov. 13, 1998, 112 Stat. 3418; Pub. L. 106–554, § 1(a)(4) [div. A, § 1118], Dec. 21, 2000, 114 Stat. 2763, 2763A–209; Pub. L. 108–293, title IV, § 418(d), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 109–304, § 15(23), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111–281, title VI, § 621(a), Oct. 15, 2010, 124 Stat. 2976.)

# HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9307 .....	46:216h

Section 9307 permits the Secretary to establish a Great Lakes Pilotage Advisory Committee. This Committee is to be established consistent with the Federal Advisory Committee Act (P.L. 92–463; 5 App. U.S.C.) and with the requirements imposed by section 19 [118(e)] of P.L. 97–322 (14 U.S.C. 631 note).

Subsection (a) authorizes the Committee to review and make recommendations on Great Lakes pilotage regulation and policies and to make the recommendations available to Congress and requires the Committee to meet at the call of the Secretary.

Subsection (b) establishes the membership of the Committee as 3 members with 5 years of practical maritime experience appointed by the Secretary for a term of not more than 5 years. A Federal Register notice of solicitation for membership nominations for filling a position is required.

Subsection (c) provides for pay and travel expenses, including per diem, for the members.

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (c)(2) and (f)(1), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

## AMENDMENTS

2010—Subsec. (f)(1). Pub. L. 111–281 substituted “September 30, 2020” for “September 30, 2010”.

2006—Subsec. (b)(2)(A). Pub. L. 109–304 substituted “the President” for “The President”.

2004—Subsec. (f)(1). Pub. L. 108–293 substituted “September 30, 2010” for “September 30, 2005”.

2000—Subsec. (b)(2)(A). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(1)], amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “three members who are practicing Great Lakes pilots and who reflect a regional balance;”.

Subsec. (b)(2)(E). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(2)], amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “one member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.”

Subsec. (c)(2). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(3)], which directed the striking out of second sentence in subsec. (C)(2), was executed by striking out the second sentence in subsec. (c)(2), “The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage.”, to reflect the probable intent of Congress.

Subsec. (d)(3). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(4)], added par. (3).

Subsec. (f)(1). Pub. L. 106–554, § 1(a)(4) [div. A, § 1118(5)], substituted “September 30, 2005” for “September 30, 2003”.

1998—Pub. L. 105–383 amended section generally, substituting provisions consisting of subsecs. (a) to (f) for former provisions consisting of subsecs. (a) to (c).

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

## § 9308. Penalties

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel

knowingly allowing the vessel to be operated in violation of section 9302 of this title is liable to the United States Government for a civil penalty of no more than \$10,000 for each day during which the vessel is in violation. The vessel also is liable in rem for the penalty.

(b) An individual who directs the navigation of a vessel in violation of section 9302 of this title is liable to the Government for a civil penalty of no more than \$10,000 for each day during which the violation occurs.

(c) A person violating a regulation prescribed under section 9303 of this title is liable to the Government for a civil penalty of no more than \$10,000.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 101–380, title IV, § 4108(b), Aug. 18, 1990, 104 Stat. 515.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9308 .....	46:216e(a)–(c)

Section 9308 prescribes the penalties for violations of sections 9302 and 9303.

#### AMENDMENTS

1990—Subsecs. (a) to (c). Pub. L. 101–380 substituted “no more than \$10,000” for “\$500”.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

### PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

#### HISTORICAL AND REVISION NOTES

Part G provides for a number of measures for the protection and relief of merchant seamen by requiring certain contractual obligations between the master who represents the vessel owner’s interest and the seamen who are engaged or employed on board a vessel, by requiring certain proceedings when a seaman dies or a vessel is suspected of being unseaworthy, by requiring certain standards for accommodations, medicine, clothing, miscellaneous merchandise, and for the handling of special and unique problems of seamen. It also provides for a method of imposing disciplinary controls through the logging of offenses and provides penalties for specified offenses, and certain related disciplinary procedures. The provisions of this part generally do not apply to fishing vessels, whaling vessels, or yachts.

### CHAPTER 101—GENERAL

Sec.	
10101.	Definitions.
[10102.]	Repealed.]
10103.	Reports.
10104.	Requirement to report sexual offenses.

#### AMENDMENTS

1993—Pub. L. 103–206, title IV, § 422(c)(2), Dec. 20, 1993, 107 Stat. 2439, struck out item 10102 “Designations and duties of shipping commissioners”.

1989—Pub. L. 101–225, title II, § 214(b), Dec. 12, 1989, 103 Stat. 1914, substituted “Requirement to report sexual offenses” for “Regulations” in item 10104.

#### § 10101. Definitions

In this part—

(1) “master” means the individual having command of a vessel.

(2) “owner” means the person to whom the vessel belongs.

(3) “seaman” means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel.

(4) “fishing vessel” includes—

(A) a fish tender vessel; or

(B) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 98–364, title IV, § 402(13), July 17, 1984, 98 Stat. 449; Pub. L. 98–557, § 33(d), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99–640, § 10(b)(3), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104–324, title VII, § 736, Oct. 19, 1996, 110 Stat. 3941.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10101 .....	46:713

Section 10101 defines the terms master, seaman, and owner as they apply to merchant seamen’s protection and relief.

#### AMENDMENTS

1996—Par. (4)(B). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “1,600 gross tons”.

1986—Pars. (1), (3). Pub. L. 99–640 struck out “owned by a citizen of the United States” after “vessel”.

1984—Par. (4). Pub. L. 98–364, as amended Pub. L. 98–557, added par. (4).

#### [§ 10102. Repealed. Pub. L. 103–206, title IV, § 422(c)(1), Dec. 20, 1993, 107 Stat. 2439]

Section, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560, related to designations and duties of shipping commissioners.

#### § 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman, shall submit reports to the vessel owner in the form, content, and manner of filing as prescribed by regulation, to ensure compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 103–206, title IV, § 417, Dec. 20, 1993, 107 Stat. 2438.)